

IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWELL AND NOTTINGHAM

Before: the Chancellor

IN THE MATTER OF THE CHURCH OF SAINT MARY, RADCLIFFE-ON-TRENT

JUDGMENT

1. This is the Petition of the vicar and churchwardens of the church of St Mary, Radcliffe-on-Trent, for a Faculty for the purchase and storage of a 'Portable Immersion Baptistry', for use for 'single baptism services'. The scheme is fully detailed. The proposed equipment consists of six lightweight timber sections which assemble to make an oval pool, 2135 mm long, 1220mm wide and 740 mm high, into which a waterproof liner is inserted. It holds 940 litres of water and would be assembled in the middle of the chancel. After use the water would be pumped out directly onto consecrated ground, and the pool disassembled and stored out of sight in the choir vestry, which is not at present used as such. The works are recommended by the DAC for approval by the Court.
2. The purchase and storage of this facility do not raise any questions about lasting visual impact, or harm to the significance of the building, which question was addressed by the parish in the statement of significance accompanying the Petition when it was before the DAC. I need refer now only to one sentence in that document, the final one: 'There is no intention to detract from the significance of the font'.
3. The matter does not rest there, however, because the Petition is motivated by an intention to use the facility for some baptisms; it is not suggested that the parish would want to acquire it except to use it. The statement of need says this:

'The need is to provide adult immersion baptism for a small but increasing number of people coming to faith following Alpha, or who have not been baptised as infants. Request for immersion baptism have been universal and necessitated borrowing the portable baptisteries from other churches.'
4. As will already be apparent, the church has a font. In these circumstances, questions arise as to whether it is permissible to use this portable immersion baptistry in the way the parish intends (and, indeed, whether it is permissible to use such a thing borrowed from elsewhere). If it is not, Faculty permission for its acquisition (and introduction into the building) should no doubt be refused. The Court needs to reach a judgment on that. It is a question sounding principally in the theological and liturgical understanding of the rite of baptism, rather than the visual or other impact on the character of the building. Nevertheless, it is a question of law, because the fittings and usages of an Anglican church must by law promote, and not counteract, the doctrines and teaching of the church.

5. After initial consideration of the Petition I returned it through the Registrar to the parish with the following comments:

‘The use of this facility (and therefore its purchase and storage) will require considerably more justification, and I am therefore returning this Petition for that to be uploaded. No doubt both the DAC and the incumbent are aware of the House of Bishops' Guidance on Fonts (1992) and its restatement of the principle that there should be only one font in a church, together with the reasons for not introducing confusion between the forms of administration of the Sacrament of Baptism, in case it be thought that there is some difference in effect, contrary to the credal statement of faith in 'One Baptism'. I have read the Statement of Need in the present case and it appears to amount merely to a preference by some candidates, and indeed not to be aware at all of the points made in the Guidance, and the need to educate the laity. The appropriate response to those candidates so far as I can see on the materials presented to me would be the theological and pastoral one that Baptism is of equal effect however administered and that the One Baptism into which they are entering is properly performed by the use of the one font in the church.’

6. A letter from the secretary of the DAC suggests that there has been input from the Archdeacon but there is nothing of the sort before the Court now. There is, however, a full and thoughtful response by the vicar and the assistant curate, on behalf of the PCC. I refer to it below. The Petition must be determined on the basis of the materials before the Court; but in the absence of proper analysis by the Petitioners a substantial amount of further research has been required (see for comparison paragraph 20 below), which may to some extent serve as an explanation for the delay in producing this judgment.
7. The Canons of the Church of England have no specific reference to the question of baptism by immersion, but it is nevertheless worth beginning by setting out what they say about baptism and about fonts:

Canon B 21

It is desirable that every minister having a cure of souls shall normally administer the sacrament of Holy Baptism on Sundays at public worship when the most number of people come together, that the congregation there present may witness the receiving of them that be newly baptised into Christ's Church and be put in remembrance of their own profession made to God in their baptism.

Canon F1 - OF THE FONT

1. In every Church or Chapel where Baptism is to be administered there shall be provided a decent font with a cover for the keeping clean thereof.
2. The font shall stand as near to the principal entrance as conveniently may be except there be a custom to the contrary or the Ordinary otherwise direct, and shall be set in as spacious and well-ordered surroundings as possible.

3. The font bowl shall only be used for the water at the administration of Holy Baptism and for no other purpose whatsoever.
8. In the absence of express legal provision the starting point must be the biblical sources and the teaching of the church. It is dangerous to undertake any historical summary in an area where views have polarised, but I must try, because of the Petitioners' claim that at Radcliffe-on-Trent it is 'necessary' to be able to offer baptism by immersion.
9. Baptism in running water, or naturally collected water, is familiar to us from sacred scripture, including the baptism of Our Lord himself in the river Jordan, and various accounts in the Book of Acts. The New Testament's use of the Greek verb 'βαπτίζω', a post-classical intensification of 'βάπτω', suggests immersion: the latter word includes many senses of dipping in water, whereas the former definitely implies submersion. On the other hand Latin Fathers, including Tertullian in his treatise *de baptismo* (c 203) and Lactantius in the next century use the verb 'tingo' which carries a very much less specific meaning ranging from wetting or moistening up to and including immersion. References in various texts to 'going down into' water do not of course by themselves demonstrate immersion rather than standing in water while the officiant poured water over the candidate, as seen almost universally in artistic treatments of the baptism of Christ.
10. Other early sources permit the use of water that is not running water, and permit baptism by affusion, that is to say by pouring water on the candidate's head without immersion. The Didache, (probably first century; certainly no later than second century AD) clearly and specifically permits baptism to be administered (1) in running water; or (2) in still water; or (3) by pouring water over the head of the candidate three times (Didache 7). The clever Greek palindrome, νίψον ἀνομήματα, μὴ μόναν ὄψιν, attributed to Gregory of Nazianzus (c 329-390) means 'wash the sins, not just the face', and clearly indicates baptism not by immersion. It appears on a number of fonts.
11. Although some major churches, in particular some Italian cathedrals, have arrangements for baptism by immersion, the provision of fonts in churches throughout the middle ages clearly shows wide practice of baptism by means other than immersion, certainly for adults: even for babies, most fonts are not calculated to allow the immersion of the candidate.
12. The prescription of baptism by affusion as equivalent to baptism by immersion is often attributed to a canon of the Second Council of Ravenna (1134), which has been and is in some quarters the subject of heated controversy and vituperative assertion, undertaken apparently without any reference to the text, which is as follows:

Rubrica XI: De sacramento baptismi, & forma conferenda

Cum sacramentum baptismi omnium sacramentorum sit principium & fundamentum, & ideo propter summam necessitatem forma ejusdem, a Christo instituto[r]e tradita a nullo fidelium maxime debeat ignorari: ipsam formam, quae infra scriptis verbis completitur, recensemus: Petre, vel Maria, ego baptizo te in nomine Patris, & Filii, & Spiritus Sancti, sub trina aspersione, vel immersione, nihil interposito, vel detracto. Quam siquidem formam, sacros

canones imitantes, mandamus & praecipimus de caetero ab omnibus baptizantibus irrefragabiliter observari:(Labbe & Cossart, Concilia (1671) vol xi (ii) cols 1584-5)

13. The form there set out is the use of the words ‘Peter, or Maria, I baptise you in the name of the Father and of the Son and of the Holy Spirit’ accompanied by triple aspersion (that is to say sprinkling of the candidate’s head with water) or immersion. There is no suggestion that either aspersion or immersion is preferable or (in particular) that either is necessary, to the exclusion of the other. Although the words used after setting out the form are prescriptive (‘we order and direct this form to be used by all those undertaking baptisms’), the provision in general is not in the language of the creation of a new rule or practice. On the contrary: in requiring this form ‘we’ are ‘following the provisions of canon law’; and the form itself is merely being restated (*recensemus*) in order to exclude other possible practices, especially inserting anything else, or leaving anything out (‘*nihil interposito, vel detracto*’).
14. In short, it appears that the Ravenna provisions were not novel. They were merely a firm restatement of the then orthodox practice as the only means of baptism. It looks as though baptism by aspersion was established in the practice of the church at the time. Whether or not that is right, there is no doubt that baptism by aspersion or by affusion, without immersion, has at all subsequent times been regarded as canonical and effective by the whole of the Western Catholic church, including that reformed part of it comprising the Church of England.
15. This position appears to be confirmed by the Rubric in the Book of Common Prayer in the office for the ‘Baptism of such as are of riper years’ (ie old enough to be able to answer for themselves): ‘Then shall the Priest take each Person to be baptized by the right hand, and placing him conveniently by the Font, according to his discretion, shall ask the Godfathers and Godmothers the Name, and then shall dip him in the water, or pour water upon him, saying [the words of baptism]’.
16. It follows that the necessity for baptism by immersion, asserted to exist at Radcliffe-on-Trent, has no theological basis. In the Anglican church there is never any need for baptism to take place by immersion, if provisions exist for baptism in some other lawful way. I am afraid that I do not understand how calling the need a ‘pastoral need’, as the parish’s response to my observations does, makes any difference. If there is a pastoral need, it may lie in teaching that there is no difference in the effects of the various modes of baptism. Nor does it help to say, as the parish does in this context, that ‘the pastoral preference of baptismal candidates cannot be understated’. I think ‘overstated’ is intended; but the doctrine and practice of the Church is not determined by those about to join it.
17. There is, however, no doubt that baptism by immersion, if it takes place in church, is lawful (see, for example, RDH Bursell, *Liturgy, Order and the Law* (1966) p 149). The parish’s response may suggest that I have some doubt about that: I do not. Baptism by immersion is clearly part of the tradition of the church and is allowed by the formularies and the liturgy of the Church of England. The question then is whether it is desirable, or even lawful, to provide a choice for candidates. If on a true understanding of the teachings and practice of the church they cannot be seen as having the need they claim,

is it right for the parish to offer them a choice as to the means to be adopted for their baptism? Should the parish be able to respond in this way to what it describes as the 'universal' request by adult candidates for baptism by immersion?

18. Here there is recent and authoritative advice, specific to the Church of England, in the form of the House of Bishops' Guidance on Fonts, to which reference is made above. It is not formally a source of law, but it is clearly authoritative; it is based on deep knowledge of the law and traditions of the church and is an application of them by the bishops of the Church of England to the issues raised by questions very similar to those in the present Petition. I cannot see any reason for thinking that it would be right to give a judgment that did not accord with the views and advice given in that Guidance.
19. The Guidance is structured as a series of answers to questions from Chancellors. No apology is needed for extensive quotation from it. It begins by setting out the relevant Canons, and noting that although they say nothing about the size of the font, they 'underscore the traditional Anglican stress on baptism as a corporate activity, reverently administered with specially blessed water and none other, at a font in a symbolic position which speaks of the doctrine of baptism not only at service-time'. There is then reference to three decisions of Chancellors, then (1992) recent, where faculties had been granted for fonts for baptism by total immersion, additional to traditional fonts in the churches in question, in each case to be hidden from view when not in use.
20. There follows the comment that those judgments show that 'given the fact that our Church has never before permitted more than one permanent font in a church, pastoral pressure has played a considerable part and that there was little theological base from which to work'.
21. The questions and their answers then follow, as section 2 of the Guidance. I set out the parts that deal with the possibility of having a second font in a church. I omit the parts dealing with the position of the font, and those that envisage a single font large enough to permit immersion of adults as not directly relevant to this Petition, although I return to the latter possibility below.

(i) Is it the view of the bishops that the legal requirement of a font with a cover, in a fixed position, should be the only facility for Baptism in a church?

[Answer:] This has always been the view of the Church of England. Examples can be taken from the past, when there was pressure to use basin-type fonts of a moveable sort. Elizabethan Visitation Articles insist on the use of the Church's proper font, which should not be moveable. (See Archbishop Parker's directions in this matter.)

(ii) If so, does it not follow that the provision of a portable font or of a pool should not be allowed?

[Answer:] To have more than one font should be regarded essentially as an anomaly, necessary under certain circumstances, but not to be encouraged. The import thing at present is to promote a deeper awareness of the theology of baptism which is based on the traditional methods of immersion and affusion, and to provide practical examples of how baptism might be administered in different ways. Total submersion seems to be a more recent addition. However, it is interesting to note that in the case of infants, the Book of Common Prayer

contemplates dipping as the normal method, the rubric in Public Baptism of infants stating that if "the child is weak it shall suffice to pour water upon it" . Today, as Chancellor Garth Moore observed in his book "Introduction to Canon Law", [1967 edn, p 69], "it seems to be assumed that nearly every child is weak, for immersion is in practice the exception rather than the rule". In the case of adults it would seem that the Prayer Book expresses no preference between immersion and affusion. [see above at para 15] Nevertheless, no one method is any better than another, nor more biblical.

(iii) In any event is it agreed that there can be only one font?

[Answer:] That should be the aim. There is an important ecclesiological background to such a position. One baptism once only is the teaching of the Church from earliest times, and archaeology witnesses to the importance of a significant font from the time when churches first started being erected. It is true that methods of baptism have varied, according to the three rough categories indicated previously, to which a fourth category, aspersion, could be added as a Post-Reformation fashion in northern climes. This variety has gone hand in hand with variations in eucharistic theology and practice, which led to patterns as diverse as the multiplicity of side-chapels for Guild Masses in medieval times, and today's freestanding altars in the central space.

But there are two essential differences. First, the eucharist is celebrated in a variety of contexts, and is a necessarily repeatable sacrament. People are baptised only once. Consequently, while it is one thing to have a variety of altars - though good liturgical practice says not more than one per room - it is quite another to offer a multiplicity of fonts which might be taken to indicate different sorts of baptism, each administered in their own way, from their own font. The cognoscenti may themselves understand one Baptism as the official teaching of the Church. What ordinary people will actually 'hear' from such practices is bound to be different. In the kind of consumer, post-christendom society of today, it would seem injudicious to appear to provide potential, if not actual, pastoral confusion at this vital point in people's lives. Church buildings have a proclamatory life of their own apart from the confines of public worship. A second reason for adhering to one font as the norm is the possible wedge that might be driven between 'christening infants' and 'baptising adults'.

...

(vi) When application is made for additional facilities ... would the Bishops welcome a decision by the Chancellors not to grant such applications unless the Petitioners produce an episcopal authority for what is sought (as is common in the case of Reservation)?

[Answer:] There may be certain circumstances where it is almost unavoidable to install an additional font, e.g. in a building which houses an historic font from an era in which minimalistic use of water led to designs which are inflexible in this regard

Mention has been made of the different modes of performing baptism. It is important to note that history does not come down on one method exclusively, until the Anabaptist controversy in the 16th and 17th centuries, when submersion was regarded by that group as the only 'biblical' way of doing baptism. There are those today who hold to this view. While it reflects most completely the imagery of Rom 6.3-11 (dying and rising in Christ), the other

methods have their own biblical warrant, too. Affusion tells of divine adoption (Jn 3:5). Immersion speaks of passing 'from an old life to a new (Gal 3:27, 2 Cor 5:17).

...

An age like our own that is recovering so much of the symbolic character of liturgy, both in word and act, needs to avoid possible confusion over the way baptism is performed and understood. Historians of the future will doubtless see the twentieth century's enthusiasm for lashings of baptismal water as a natural (and perhaps unconscious) reaction to the minimalistic token of sprinkling, which is often at the heart of the folk religion that has been inherited.

The thrust of this paper is to point to a large, single font in which baptism can be administered in the three ways indicated previously. This we impenitently regard as the coming norm. However, churches have their own momentum, both in terms of developing liturgical practice, and in ways in which their liturgical furniture is adapted to changing pastoral needs. In the immediate future, we hope that sufficient fonts of this style can be encouraged in key parishes (and all cathedrals?) throughout the dioceses.'

22. The third section of the Guidance is its conclusion, which is that if the principles set out in the previous section (including, as has been seen, the 'coming norm' of a single large font in which the rite of baptism can be performed in all the traditional ways) are to be adopted, there are the following corollaries.

'First, the Church needs to affirm yet again, that there is one baptism, and that the way in which it is performed varies from one tradition to another. The Canons quoted above are the Church's collective memory in the process of safeguarding baptism from being hijacked by one particular group within the Church. It may be that bishops need to give a lead in teaching the importance of lavish symbolism, as well as the theology of baptism, and what it is supposed to convey in the way of God's free gift of grace.

Secondly, the Church needs to adopt this policy of one font per church building as the norm. Anything else must be an anomaly. In order to implement this principle, which has the overwhelming weight of tradition behind it, as well as pastoral commonsense, DACs and Diocesan Worship Committees need to have an open and informed discussion about the ordering of new churches as well as the reordering of old ones. As Anglicans, our buildings are, as a rule, public and open, so that our liturgical furniture speaks silently to all who enter, even when no liturgy is being celebrated.

Thirdly, the Church needs to come to terms with the fact that we are living through a time which could be described as 'The Baptism Movement', just as our predecessors lived through 'The Parish Communion Movement'. ...'

23. Without wanting for a moment to undermine the authority of the Guidance as asserted in paragraph 18 above, there are two reservations that are worth expressing. The first is that the Guidance is not absolutely clear about the way in which the doctrine of 'one baptism' is to be promoted, and any confusion arising from the use of different methods of baptism dispelled, where there is 'a large, single font in which baptism can be administered in the three ways indicated'. That, however, does not appear to be a

problem at present. Such a font may have been seen as ‘the coming norm’ in 1992, but it cannot be said yet to have come.

24. The second reservation, and it is of some importance, is that it does not seem to be quite right that ‘our Church has never before permitted more than one permanent font in a church’ (see paragraph 20 above). In fact permanent baptistries for total immersion are not unknown in Anglican churches, even where there is also a traditional font.
25. The late GK Brandwood undertook a survey, published in his article ‘Immersion Baptistries in Anglican Churches’ *Archaeol. J* 147 p 420 (1990). He discovered 35 in Welsh churches and 14 in England. The Welsh examples and the three pre-nineteenth century examples in England appear to have been constructed with a particular view to encouraging accession to Anglican conformity by Baptists. The later English examples date for the most part from the period 1880-1910. It is particularly striking that one was installed in St Mary Lambeth, at the gates of Lambeth Palace, as a memorial to Archbishop Benson. But the baptismal records of the churches possessing fonts for baptism by total immersion make it clear that even in areas of Baptist prevalence immersion was very infrequent; and some of the fonts (including that at Lambeth and the very elaborate building at Petersham) are not recorded as ever having been used. Indeed, the Lambeth installation includes Gregory of Nazianzus’ palindrome, which may suggest that it was never really intended to be used for immersion.
26. Brandwood was writing at a time when, as he saw it, there appeared to be a revival of interest in baptism by immersion. He refers to the recent installation of three fonts for baptism by immersion in churches in the Diocese of Southwark, and to two churches where previously unused or little-used facilities had been used for a number of baptisms in the 1980s. It was, of course, to these developments that the Guidance responded.
27. I have not seen any recent judgments of consistory courts on the issue raised by this Petition. Apart from those to which reference is made by Brandwood and in the Guidance, the only judgments on Petitions for facilities for baptism by immersion of which I am aware are Re St Michael le Belfrey, York [2023] ECC Yor 2, and Re St Thomas the Martyr Newcastle upon Tyne [2021] ECC New 1. In both, the installation of a font for baptism by immersion was merely a part of a complete re-ordering. In the York case the existing pedestal font was (in the scheme approved by the Chancellor) to be retained as a feature of the new facility, mounted above the pool and able to overflow into it, which is one of the arrangements to which the Guidance looks forward with approval. When not in use, the pool would be covered and the traditional font would continue to serve its purpose as a reminder of the sacrament of baptism to those visiting the church or worshipping in it. In the Newcastle case, there had been no font in the church since 1972, and the proposals were to supply one as part of a scheme to revive and refit the church, in the form of a pool that could be used for baptism by immersion. These judgments offer no assistance to the determination of a Petition simply to add a temporary font for baptism by immersion to the existing fittings (including the font) in a church that is not being wholly re-ordered; and it is I think fair to say that neither of the judgements includes (or in the circumstances needed to include) assessment of any theological or liturgical question.

28. In its response to my observations, the parish points out that the Guidance's comment at paragraph 20 above does apply only to permanent fonts and that the proposal is for a temporary font, to be put away when not in use. I accept that to an extent that means that the distribution of the furnishings of the church as seen by members of the public visiting when the church is open out of services (if it ever is) will not cause them confusion, provided also of course that there are also no pictures in the church of the use of the temporary font. But after the introduction, much of the Guidance seems to apply equally to temporary fonts, and it must be remembered that the Guidance specifically notes that the grant of Faculties for facilities that would be hidden when not in use appears to have had 'little theological base'.
29. The response also makes, by reference to parts of the Guidance not set out above, some points about the placing of the existing font, which is said to cause difficulties. I do not know whether those difficulties were equally suffered by the preceding generations; but there is no suggestion that the existing font, in its existing position, would not remain in use for all baptisms except for those candidates 'of riper years' who say they would prefer something different. In these circumstances the location of the font cannot help to justify or legitimate the present proposal.
30. So far as concerns temporary or removable fonts for baptism by immersion, there is little material suggesting lawful installation or use, and the parish does not cite any. In the advertising material issued by the company from which the parish proposes to obtain the font, there are two photographs of its product in use in apparently Anglican contexts. One shows Archbishop Sentamu of York taking part in some sort of festival demonstration outside York Minster. The other shows use in a (named) church in the same county, where the traditional font appears to be in use as a flower and candle stand, potentially in breach of Canon F1(3). I note that the view of Chancellor Bursell appears to be that (save in the case of emergency) baptism other than in a church is not lawful, though it would be valid in the sense of effectual (op cit, pp146-7). I do not think either of these photographs can be taken as any sort of useful precedent for authorising baptism by immersion in an Anglican parish church that has a traditional font.
31. That, of course, brings me back to the clear import of the Guidance. That Guidance was given in the context of a rising wish for baptism by immersion for adult candidates, and the answer is that there should not be a second font in a church to enable such ceremonies to take place. The proper response to that wish is education of the candidates by the bishops and clergy, because of the risk of confusion if there is any appearance of one form of baptism being in some way better than another or even significantly different. It is not right that the sacramental process of the acquisition of Grace by baptism, 'a death unto sin, and a new birth unto righteousness' become akin to the consumer choices available in worldly life.
32. There is another point, not relevant to the legality of the present proposals, but one to which the proposal, as summarised in the first paragraph of this judgment, draws immediate attention. The capacity of the pool is, as indicated above, 940 litres. It cannot of course be assumed that it will be completely filled for use; and the candidate, and perhaps the officiant, would occupy a proportion of the available space; but comparisons are inevitable. According to industry figures, an ordinary bathtub has a

capacity of between 80 and 200 litres; most people taking a bath use about 80 litres of water. The amount of water used for baptism by aspersion or affusion in the church's font is insignificant.

33. The use of the proposed portable baptistry for those who say (wrongly) that they need it would constitute a very much increased water use, thousands of times more than for a baptism in the existing font and perhaps as much as ten times that used for a domestic bath, for each baptism, to be drained off as waste after the baptism. It would have been good to see the parish offer some recognition of the church's, and the Christian's, duty to take a lead in the stewardship of natural resources. If doctrine and the law had been on the side of the Petitioners, the Court might well have felt nevertheless that its discretion should not be exercised in such a way as to endorse needless waste of water.
34. In any event, for the reasons given above, this Petition is refused.

C M G Ockelton MA BD
Chancellor
24 August 2026